

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Fitzpatrick et al.

Art Unit 3622

Serial No. 09/840,648

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Confirmation No. 5040

For METHOD AND SYSTEM FOR ELECTRONICALLY SELECTING,
MODIFYING, AND OPERATING A MOTIVATION OR RECOGNITION PROGRAM

Examiner John W. Van Bramer

July 27, 2009

REPLY TO EXAMINER'S ANSWER

In the Examiner's answer, the Examiner argues essentially the same points as in the final Office action. The Examiner's principal point of confusion, as addressed in Appellant's brief, relates to the "host" computer. Contrary to the Examiner's assertions, the "host" computer in Eggleston does not operate multiple customers' incentive programs, as recited by the claims. Instead, Eggleston's host computer acts as a purchase point and program directory for customers to enter their incentive programs into the host computer's directory and/or purchase incentive programs, which are then downloaded to the customer's site for installation and included in the incentive program directory. The host computer directory permits, via a webpage on the host computer, incentive program participants to find the incentive programs operated by the customers on the customer's site. This explanation of Eggleston and the Examiner's misunderstanding was addressed in the brief.

However, there is one comment in the Examiner's answer that needs to be clarified. On page 20 of the Examiner's Answer, in response to the Appellant's arguments, the Examiner states:

The applicant asserts that the Eggleston reference only discloses that each customer can download and operate their modified program via their processor. The examiner agrees that Eggleston discloses embodiments in which the customer customizes and downloads rewards programs for use on the customers servers or any other server or servers on which the customer desire to operate the rewards programs. However, the examiner has also pointed out disclosures in Eggleston

which disclose an embodiment in which the host system operates multiple rewards programs by various sponsors on their own server. (Emphasis added)

This summary of Eggleston by the Examiner is ambiguous and does not address the recitals of the claims. Eggleston teaches that a program of one sponsor can be downloaded and operated by the one sponsor via the one sponsor's web site. In contrast, the claims recite multiple customers (e.g., various sponsors), each operating multiple, modified programs on the same program processor (i.e., without downloading).

In particular, the Examiner cites the following columns/lines of Eggleston: 10/28-42, 12/38-48 and 14/6-65 (see pages 4-5, paragraphs c, f and g of the Examiner's Answer). For the Board's convenience, this text of Eggleston cited by the Examiner is reproduced below. Every mention of "sponsor" has been indicated in **bold** font. In addition, Appellants have highlighted text contrary to the Examiner's ambiguous summary, text indicating that each sponsor downloads and operates its own programs.

10/28-42

In the so-called "client-server" model of distributed computing, messages are sent from client computers to one or more servers. Servers that use the World Wide Web are typically called "HTTP servers" or "web servers." "A web server may have installed on it files that include HTML documents that can be displayed on a client's computer screen when accessed from a client computer. Also, web servers may include or provide access to other servers that include Common Gateway Interface ("CGI") programs that permit access to other resources on the web server, such as application programs and databases. Thus, without the need for any hardware or software, other than a standard personal computer and a common web browser 50, a consumer can access dynamic applications and content that are stored on the web server.

12/38-48

In addition to registration, the consumer site 192 includes hypertext links or other connections to various other sites, applications, and information. Thus, the consumer can link to information pages that describe the host incentive program system, that describe particular incentive programs, or that provide other information related to the system. Also, the consumer may link to incentive programs that are provided in a directory of incentive programs. The incentive programs may be incentive programs provided by the operator of the host system, or third party incentive programs that have been identified by the host for listing on a directory.

14/6-65

Further functions of the present invention may be accomplished by participation of a **sponsor**. A **sponsor** initiates participation through the **sponsor** computer 14 by accessing a web browser 50 and entering the URL of the **sponsor** site 194. The **sponsor** site 194 then displays a **sponsor** home page 195, which provides various options for the **sponsor**. The **sponsor**, for example, may register as a **sponsor** in the host system. The registration process includes identification of the **sponsor** and various information about the **sponsor**, including the **sponsor's** mailing address, web address, contact information, types of incentive programs, and other information relevant to the **sponsor**. The information is then stored in a **sponsor** database 202 that includes records associated with the particular **sponsor**.

Once a **sponsor** is registered, and a verification of the information submitted by the **sponsor** is conducted, the **sponsor** site 194 is updated to reflect any incentive programs that the **sponsor** wishes to include on the **sponsor** site 194. Thus, the **sponsor** database 202 is updated, as is the **sponsor** site 194, upon registration of a **sponsor**.

A **sponsor**, in addition to providing a link to a pre-existing incentive program site, may purchase an incentive program from the host. Incentive programs available from the host may be pre-packaged incentive programs that are computer software applications of pre-determined incentive program types, such as scratch-and-win games, treasure hunts, sweepstakes games, or the like. The host may include third party incentive programs, such as computer games, for purchase by **sponsors**. The **sponsor** can view samples of different incentive programs and select incentive programs based on review of the samples. Selection of the incentive program prompts the **sponsor** to define certain parameters relative to the incentive program, such as the starting date and duration of the incentive program. The **sponsor** may also choose to build an incentive program. A **sponsor** may build an incentive program through interaction with the host system's computer automated incentive program building capability. A **sponsor** who wishes to build an incentive program is asked to select among various types of incentive programs or combinations of incentive programs and to enter parameters that are associated with those types of incentive programs, so that an application program of the host computer 18 can generate an incentive program that has the characteristics selected by the **sponsor**.

Whether the **sponsor** purchases a pre-packaged incentive program or chooses to build an incentive program, the completed incentive program is downloaded to the **sponsor** for installation on a web site of the **sponsor**. The **sponsor** database is updated to reflect the presence of the new incentive program, and the **sponsor** site 194 is updated to include a link to the new incentive program. There several ways in which the online code can be embedded into the website of the **sponsoring** firm, as follows. The **sponsoring** firm may receive instructions on how to the place of HTML tags in desired locations throughout the site. The tags would serve as addresses for the code to be embedded. The **sponsor** or the **sponsor's** webmaster could leave a port open through which the incentive firm could embed the code in designated areas. A set of files could be mailed to the **sponsoring** firm for their placement and incorporation into their site.

Thus, contrary to the Examiner's ambiguous summary, there is no teaching in Eggleston that "various sponsors" or different customers operate their modified programs on the same program processor. Each independent claim is in contrast to the above teachings of Eggleston.

Claim 1 recites first and second customers modifying programs which are stored in the storage device connected to the program processor (see Claims Appendix lines 15-22, 25-32). Further, claim 1 recites the "modified first and second programs executed by the program processor" (see Claims Appendix lines 42-43). This recited language of claim 1 distinguishes over the above teachings of Eggleston.

Claim 24 recites multiple customers, each modifying programs which are stored in the storage device connected to the program processor (see Claims Appendix lines 82, 88-96). Further, claim 24 recites each "modified program executed by the program processor" (see Claims Appendix line 101). This recited language of claim 24 distinguishes over the above teachings of Eggleston.

Claim 55 recites first and second customers modifying programs which are stored in the storage device connected to the program processor (see Claims Appendix lines 130, 137-144). Further, claim 55 recites the first "modified program executed by the program processor" and the second "modified program executed by the program processor" (see Claims Appendix lines 151-152, 155-156). This recited language of claim 55 distinguishes over the above teachings of Eggleston.

Claim 61 recites first and second customers modifying programs which are stored in the storage device connected to the program processor (see Claims Appendix lines 180, 184-194). Further, claim 61 recites the first "modified program executed by the program processor" and the second "modified program executed by the program processor" (see Claims Appendix lines 201-202, 205-206). This recited language of claim 61 distinguishes over the above teachings of Eggleston.

In view of the above, independent claims 1, 24, 55 and 61, and their dependent claims are patentable over Eggleston.

CONCLUSION

For the reasons stated above, Appellant respectfully requests that the Office's rejections be reversed and that claims 1-7, 15, 24, 39, 52, 53, 55, 60 and 61 be allowed.

Respectfully submitted,

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